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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

**UNITED DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**GNAT BOOTY MUSIC, HERBILICIOUS
MUSIC, VIRGINIA BEACH MUSIC,
GOLD DADDY MUSIC, WB MUSIC
CORP., AIN'T NOTHING BUT
FUNKIN' MUSIC, MUSIC OF
WINDSWEPT, BLOTTER MUSIC,
ELVIS MAMBO MUSIC, TVT MUSIC,
INC., 50 CENT MUSIC, J. ALBERT &
SON (USA) INC. AND UNIVERSAL
MUSIC CORP.,**

**Plaintiffs,
-against-**

**JAY KAY JAY, INC. AND KATHLEEN
A. TARTIVITA,**

Defendants.

Civil Action No.
3:06-cv-05522(GEB)

Amel
Amel 07-3439
ORDER FOR CONSOLIDATION, ETC.

This matter having come before the Court by telephone conference call with the Honorable John J. Hughes on November 15, 2007 including David K. DeLonge, Esq. of Schumann Hanlon LLC and Andrew Schaeffer, Esq., of ASCAP, for plaintiffs, Michael Cukor, Esq. of Gibbons PC and Todd Larson, Esq. of Weil, Gotshal & Manges LLP for third party defendant Cablevision Systems Corporation ("Cablevision"), and Kathleen Tartivita, pro se defendant, for initial scheduling conference in Civil No. 07-3439, and the Court having advised the parties that procedural issues in the related case 06-5522 would be addressed in the telephone conference, and based upon letter request of plaintiffs for an extension of deadline for dispositive motions by letter dated October 12, 2007 and


request by letter of October 30, 2007 for consolidation of the related cases and other relief, and the Court having considered any opposition from pro se defendant Kathleen Tartivita by letter dated October 17, 2007, and comments and requests of all counsel participating in the conference, and for good cause shown;

IT IS on this 19th day of November, 2007,

ORDERED as follows:

1. Civil Action No. 07-3439 (GEB) be and is hereby consolidated with Civil Action No. 06-5522 (GEB); and
2. Plaintiffs shall conduct the deposition of Kathleen Tartivita who is directed to appear for deposition by plaintiffs on November 29, 2007 at 10:00 a.m. at the courtroom for the Honorable John J. Hughes at the United States Courthouse, 402 E. State Street, Trenton, New Jersey. Follow-up written discovery may be propounded after completion of the deposition; and
3. Motions by plaintiffs for summary judgment and dismissal of claims herein shall be filed no later than January 11, 2008 returnable February 4, 2008; and
4. Parties may request the Court herein to conduct a scheduling conference to establish discovery schedules and other deadlines after rulings by the Court on motions for summary judgment and dismissal motions by Plaintiffs and Cablevision. Cablevision shall have the opportunity to obtain discovery related to the Third-Party Plaintiff's claims at that time, including but not limited to depositions of third-party plaintiff; and
5. Third-Party Defendant Cablevision, which has not appeared in Civil Action No. 06-5522 and claims that it was not properly served with a Summons and Complaint, is granted leave to file, on or before January 11, 2008, a motion to dismiss or other pleading responsive to the third-party complaint in that matter, which pleading shall

not be prejudiced or affected in any way by the consolidation of the two matters or by Cablevision's previous appearance in Civil No. 07-3439. No party may use the consolidation as a basis for opposing Cablevision's motion.



Honorable John J. Hughes
U.S. Magistrate Judge